

UNITED STATES DISTRICT COURT

for the
Southern District of OhioFILED
RICHARD W. NAGEL
CLERK OF COURT

3/4/21

United States of America

v.

Jeremy Smith

Case No. 3:21MJ79

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
WEST. DIV. DAYTON*Defendant(s)*

CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 11/22/2019 in the county of Montgomery in the
Southern District of Ohio, the defendant(s) violated:*Code Section**Offense Description*

21 USC s. 846 and 841(b)(1)(B)

conspiracy to possess with intent to distribute and to distribute 40 grams or more of a mixture or substance containing a detectable amount of fentanyl, a Schedule II controlled substance

This criminal complaint is based on these facts:

See Attached Affidavit of Andrew McCoy

☒ Continued on the attached sheet.*Andrew McCoy*
Complainant's signatureAndrew McCoy, TFO of the FBI
Printed name and title

Sworn to before me and signed in my presence. Via FaceTime

Date: 3/4/21City and state: Dayton, Ohio*Sharon L. Ovington*
Sharon L. Ovington, US Magistrate Judge
Printed name and title

AFFIDAVIT

1. I, Andrew D. McCoy, a Federal Task Force Officer (TFO) of the Federal Bureau of Investigation (FBI), United States Department of Justice, am hereinafter referred to as Affiant.
2. Affiant is a sworn law enforcement officer in the State of Ohio and has been employed by the Montgomery County Ohio Sheriff's Office for the past twenty two (22) years, serving the past nineteen (19) as a sworn Deputy Sheriff. Your Affiant is currently a deputized TFO assigned to the FBI's Southern Ohio Safe Streets Task Force (SOSSTF), Dayton Resident Agency. Your Affiant is familiar with federal criminal laws including, but not limited to, federal drug trafficking and firearm offenses.
3. This Affidavit is submitted in support of a criminal complaint, and seeks the issuance of an arrest warrant against **BRANDI NICOLE WRIGHT** and **JEREMY DAVAUGHN SMITH**, for conspiracy to possess with intent to distribute and to distribute in excess of 40 grams or more of a mixture or substance containing a detectable amount of fentanyl in violation of 21 U.S.C. §§ 846 and 841(b)(1)(B).
4. The information contained in this Affidavit is based upon an investigation conducted by your Affiant together with information provided by other law enforcement officers knowledgeable of the facts and circumstances involved in this matter. The Affidavit is intended to show merely that there is sufficient probable cause for the requested arrest warrant and does not set forth all the Affiants knowledge about this matter.

FACTS SUPPORTING PROBABLE CAUSE

5. In November of 2019, the Affiant was contacted by a RANGE Task Force confidential source (hereinafter referred to as "CS") in regards to two subjects trafficking large amounts of heroin and fentanyl in and around Montgomery County, Ohio. The Affiant considers this CS to be reliable, as the CS has provided information to the Affiant in the past that assisted the Affiant in obtaining several Federal search warrants, resulting in the seizure of narcotics, U.S. currency, and other drug related evidence. The CS is providing information to law enforcement in exchange for case consideration.
6. The CS identified the aforementioned drug traffickers as **Jeremy SMITH** and his girlfriend, **Brandi WRIGHT**. The CS further advised that **SMITH** is in Federal prison serving a sentence for a previous conviction, so **WRIGHT** traffics heroin and fentanyl on his behalf while he is incarcerated. The Affiant later confirmed that **SMITH** was incarcerated at the United States Penitentiary Leavenworth, located in Leavenworth, Kansas. The CS advised that he/she has purchased heroin and/or fentanyl directly from **SMITH** and **WRIGHT** on numerous occasions in the past. The CS stated that he/she knows **SMITH** to have a contraband cellular phone in his possession inside of the penitentiary, as he/she had spoken to **SMITH** on cellular phone number (813) 606-6178 to arrange narcotics deals during the time that **SMITH** was incarcerated. The CS stated that he/she knows **WRIGHT** to utilize cellular phone number (937) 474-7831 to conduct drug business, as he/she had spoken to **WRIGHT** on that phone number in the past to arrange narcotics deals.
7. On November 22nd, 2019, the Affiant directed the CS to arrange a narcotics transaction with **SMITH** and **WRIGHT**. While the CS was arranging this transaction via cellular phone, **SMITH** was being surveilled by Leavenworth Corrections Officers via the CCTV system inside of the penitentiary. **SMITH** was observed acting suspiciously during the time the narcotics transaction was being arranged, going in and out of two different cells inside of the prison, one of which he was not assigned to.

8. Once **WRIGHT** arranged a meeting place with the CS, investigators established surveillance in the area of the agreed upon meeting location, which was located on North Main Street in the City of Dayton. A short time later, **WRIGHT** was observed operating a vehicle on North Main Street in the City of Dayton. **WRIGHT** was stopped by Dayton Police Department Officers Schwartz and Hofacker on North Main Street near Parkwood Drive in the City of Dayton. **WRIGHT** was found to be in possession of a plastic bag containing suspected narcotics and a black iPhone, serial number DNPVT3LMJCLF. **WRIGHT** was taken into custody, and the iPhone and suspected narcotics were seized as evidence. The suspected narcotics were later submitted to the Miami Valley Regional Crime Laboratory for analysis and were found to be a mixture of heroin and fentanyl with a net weight of 55.87 grams (+/- 0.02 grams).
9. Once **WRIGHT** was in custody, Corrections Officers secured **SMITH** inside of the Leavenworth Penitentiary. **SMITH** was found to have a small L8STAR cellular phone secreted inside of his rectum. Once **SMITH** defecated the cellular phone at the request of prison staff members, the cellular phone was collected as evidence and was later sent to the Affiant via FedEx.
10. The Affiant later reviewed phone tolls from November 22nd, 2019 for phone number (813) 606-6178, which was the phone number assigned to the L8STAR cellular phone that was located on **SMITH**'s person inside of Leavenworth Penitentiary. Upon reviewing these phone tolls, the Affiant located numerous contacts between cellular phone number (813) 606-6178 (**SMITH**'s phone) and cellular phone number (937) 474-7831 (**WRIGHTS**'s phone). Between approximately 11:11 am and 12:04 pm there were 15 (fifteen) contacts between these two phone numbers. This is the same time frame in which **WRIGHT** was arranging to meet the CS for the narcotics transaction and also the same time from in which **SMITH** was under surveillance inside of Leavenworth Penitentiary and was observed acting suspiciously. The Affiant also located several

contacts between phone number (813) 606-6178 and a phone number that the Affiant knows to be used by the CS during this same time period.

11. Based on the facts set forth in the Affidavit, the Affiant believes there is probable cause to issue criminal complaints against, and arrests arrest warrants for, **BRANDI NICOLE WRIGHT** and **JEREMY DAVAUGHN SMITH** for conspiracy to possess with intent to distribute and to distribute in excess of 40 grams or more of a mixture or substance containing a detectable amount of fentanyl in violation of 21 U.S.C. §§ 846 and 841(b)(1)(B).

Andrew McCoy

Andrew D. McCoy
Task Force Officer
Federal Bureau of Investigation

Subscribed and sworn to before me on the 4th day of March, 2021.

Sharon L. Ovington

Sharon L. Ovington
United States Magistrate Judge

